

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

REGINALD CLAY,

Plaintiff,

v.

UNION PACIFIC RAILROAD COMPANY,

Defendant.

24cv4194

Judge Alexakis

Magistrate Judge Cole

**PLAINTIFF'S RESPONSE TO
UNION PACIFIC'S STATEMENT OF MATERIAL FACTS**

1. Plaintiff Reginald Clay ("Plaintiff") is an Illinois resident who visited Union Pacific facilities in Illinois in connection with his work as a commercial truck driver. *See* Dkt. 1-1 ¶¶ 2, 4-5 (Exh. 1 hereto).

RESPONSE: Admit

2. Union Pacific is a Delaware corporation that conducts business in Illinois and is headquartered in Nebraska. *See* Dkt. 31 ¶ 3 (Exh. 2 hereto).

RESPONSE: Admit

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) because there is complete diversity between the parties and the amount in controversy for Plaintiff's claims exceeds the sum or value of \$75,000. *See* Dkt. 1 ¶¶ 6-11 (Exh. 3 hereto).

RESPONSE: Admit

4. Plaintiff alleges that "[o]n numerous occasions between 2019 and 2024, Plaintiff visited Illinois facilities of Union Pacific Railroad Company to pick up or deliver shipping containers." Dkt. 1-1 (Exh. 1 hereto) ¶ 5.

RESPONSE: Admit

5. Plaintiff alleges that Union Pacific "required [Plaintiff] to register his fingerprint information upon first visiting a Union Pacific facility." *Id.* ¶ 6.

RESPONSE: Admit

6. Plaintiff alleges that "on each occasion when he entered or exited" Union Pacific's Illinois facilities, he "was required to place his fingerprints into a reader, to be matched with the fingerprints on file." *Id.* ¶ 7.

RESPONSE: Admit

7. Plaintiff claims that Union Pacific violated Section 15(b) of the Illinois Biometric Information Privacy Act, 740 ILCS 14/1 *et seq.* (“BIPA”), each time Union Pacific allegedly collected his alleged “fingerprints” without consent. *Id.* ¶¶ 17, 34.

RESPONSE: Admit

8. Plaintiff seeks “[s]tatutory damages of \$5,000 for each willful and/or reckless violation of BIPA ... or statutory damages of \$1,000 for each negligent violation[.]” *Id.* ¶ 34(a).

RESPONSE: Admit

/s/ Daniel A. Edelman
Daniel A. Edelman

Daniel A. Edelman
Dulijaza (Julie) Clark
Alexandra Huzyk
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
20 South Clark Street, Suite 1800
Chicago, IL 60603
(312) 739-4200
(312) 419-0379 (FAX)
Email address for service: courtecl@edcombs.com
Dedelman@edcombs.com
Jclark@edcombs.com
ahuzyk@edcombs.com

CERTIFICATE OF SERVICE

Daniel A. Edelman certifies that on December 2, 2024 this document was filed via ECF, causing a copy to be served on all counsel of record.

/s/ Daniel A. Edelman
Daniel A. Edelman